

§ 214.20

Chief's decision shall constitute USDA's final administrative decision.

§ 214.20 Exhaustion of administrative remedies.

Per 7 U.S.C. 6912(e), judicial review of a decision that is appealable under this part is premature unless the plaintiff has exhausted the administrative remedies under this part.

§ 214.21 Information collection requirements.

The rules of this part governing appeal of decisions relating to occupancy or use of National Forest System lands and resources specify the information that an appellant must provide in an appeal. Therefore, these rules contain information collection requirements as defined in 5 CFR part 1320. These information collection requirements are assigned Office of Management and Budget Control Number 0596-0231.

§ 214.22 Applicability and effective date.

This part prescribes the procedure for administrative review of appealable decisions and Chief's decisions set forth in § 214.4 issued on or after June 5, 2013.

PART 215—NOTICE, COMMENT, AND APPEAL PROCEDURES FOR NATIONAL FOREST SYSTEM PROJECTS AND ACTIVITIES

Sec.

215.1 Purpose and scope.

215.2 Definitions.

215.3 Proposed actions subject to legal notice and opportunity to comment.

215.4 Actions not subject to legal notice and opportunity to comment.

215.5 Legal notice of proposed actions.

215.6 Comments on proposed actions.

215.7 Legal notice of decision.

215.8 Appeal Deciding Officer.

215.9 Decision implementation.

215.10 Emergency situations.

215.11 Decisions subject to appeal.

215.12 Decisions and actions not subject to appeal.

215.13 Who may appeal.

215.14 Appeal content.

215.15 Appeal time periods and process.

215.16 Dismissal of appeal without review.

215.17 Informal disposition.

215.18 Formal review and disposition procedures.

215.19 Appeal Reviewing Officer.

36 CFR Ch. II (7–1–14 Edition)

215.20 Secretary's authority.

215.21 Judicial proceedings.

215.22 Applicability and effective date.

AUTHORITY: 16 U.S.C. 472, 551; sec. 322, Pub. L. 102-381 (Appeals Reform Act), 106 Stat. 1419 (16 U.S.C. 1612 note).

SOURCE: 68 FR 33595, June 4, 2003, unless otherwise noted.

§ 215.1 Purpose and scope.

(a) *Purpose.* The rules of this part have two purposes. First, this part establishes a process by which the public receives notice and is provided an opportunity to comment on proposed actions for projects and activities implementing a land and resource management plan prior to a decision by the Responsible Official. Second, this part establishes an appeal process and identifies the decisions that may be appealed, who may appeal those decisions, the responsibilities of the participants in an appeal, and the procedures that apply for the prompt disposition of the appeal.

(b) *Scope.* Notice of proposed actions and opportunity to comment provide an opportunity for the public to provide meaningful input prior to the decision on projects and activities implementing land management plans. The rules of this part complement other opportunities to participate in the Forest Service's project and activity planning, such as those provided by the National Environmental Policy Act of 1969 (NEPA) and its implementing regulations at 40 CFR parts 1500–1508 and 36 CFR part 220; the National Forest Management Act (NFMA) and its implementing regulations at 36 CFR part 219; and the regulations at 36 CFR part 216 governing public notice and comment for certain Forest Service directives.

[68 FR 33595, June 4, 2003, as amended at 78 FR 33723, June 5, 2013]

§ 215.2 Definitions.

Address—An individual's or organization's current physical mailing address. An e-mail address is insufficient for identification.

Appeal—A document filed with an Appeal Deciding Officer in which an individual or entity seeks review of a Forest Service decision under this part.